



MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA

Regular Meetings: The  
First, Second, and  
Third Tuesday of each  
month. Location of  
meeting is specified at  
far right.

Regular Meeting

MEETING LOCATION  
County Courthouse,  
Bridgeport, CA 93517

October 9, 2012

9:00 AM Meeting called to Order by Chairwoman Bauer.

*Supervisors Present: Bauer, Hansen, Hazard, Hunt and Johnston.*

*Supervisors Absent: None.*

Pledge of Allegiance led by

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Katie Bellomo:**

- Here to give them an update with the Luman matter and to inform and serve them with a Petition for a Writ of Administrative Mandate.
- The clerk's office is appropriate to accept service.
- Explaining why this document is being served. This has to be done before a lawsuit can be filed.
- Whether he prevails or not in the Personnel Appeals matter, he can still sue Mono County for the damages he has suffered.
- Wanted to make sure the Board knew there were very sad facts that are coming forward in this matter. Warned that this will not go away, it will only escalate.

**Richard Luman:**

- Explained that he plans to see this through; he can't afford to do otherwise at this point.

*Closed Session: 9:15 a.m.*

*Break: 10:38 a.m.*

*Reconvene: 10:42 a.m.*

*Lunch: 12:22 p.m.*

*Reconvene: 1:30 p.m.*

*Adjourn: 3:18 p.m.*

**CLOSED SESSION**

*There was nothing to report out of closed session.*

**BOARD OF SUPERVISORS**

- 1a) Closed Session - Conference with Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one.
- 1b) Closed Session - Conference with Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of case: County of Mono v. Mammoth Mountain Ski Area, et al. (Sup. Ct. Case No. 16624).
- 1c) Closed Session - Conference with Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one. Facts and circumstances: grant compliance dispute related to Conway Ranch.
- 1d) Closed Session - Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.
- 1e) Closed Session--Human Resources - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, Brian Muir, and Jim Arkens. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

#### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No One Spoke.*

- 2) APPROVAL OF MINUTES

None

#### **3) BOARD MEMBER REPORTS**

##### **Supervisor Bauer:**

- No board report.

##### **Supervisor Hansen:**

- 10/3 - attended retirement fair.
- 10/4 - Antelope Valley RPAC; a lot of load taken off his shoulders since there are two people campaigning.
- Airport Road – they filled cracks in twice. A bigger fix needs to happen.

##### **Supervisor Hazard:**

- 10/4 – Digital 395 working meeting with staff; everything progressing smoothly.
- He got call Friday from RCRC and the Air Resources Board will be here 11/7 - 11/8 to speak to ranchers/farmers to receive input before making regulatory recommendations; in the process of setting up meetings. Asked Supervisor Hansen for North County contacts.

**Supervisor Hunt:**

- Summit California Energy Summit in Palm Springs, CA. Gave statistics.

**Supervisor Johnston:**

- Energy conference in Palm Springs, CA. Rooftop solar – nothing holding us back except our own will.
- Airport Road – it is still in unacceptable condition. It needs attention and needs to be addressed.

**COUNTY ADMINISTRATIVE OFFICE**

4)

CAO Report regarding Board Assignments (Jim Arkens)

**ACTION:** Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

**Jim Arkens:**

- Management Team last Wednesday in Lee Vining.
- Energy Summit in Palm Springs, CA.
- Working on Paramedic proposal.
- Cancer Awareness Month is October, he has ordered pink ribbons for fence.

**DEPARTMENT REPORTS/EMERGING ISSUES**

**Robin Roberts:**

County community garden snafu referenced to in the paper:

- Robin's available to speak to press or anyone else in the future about what's going on with the community garden.
- Public perception matters to her; there is no misappropriation of fees.
- Looking to work with faith based groups to encourage community participation, etc. in regards to community gardens.

**Lynda Roberts:**

Update from Elections Division – regarding online voter registration:

- Program went live on September 19, 2012. Between then and now, we have 104 new registrations via the web.
- Supervisor Bauer: trend in June Lake, having absentee ballots sent out of state sometimes. She'd hate to see us lose even more control over that. Something that Lynda can monitor?
- There are reasons why people are not living in the county but are eligible to vote within our county.
- Supervisor Hazard: What is safeguard to prevent voter registration fraud? (All registrations go through Secretary of State and a checking mechanism; signatures are pulled from DMV records.)

Vote by Mail Ballots/Sample Ballots:

- Just mailed over 3,000 VBM ballots today.
- For people not receiving their sample ballots, Lynda has published informational things for voters in the paper over the last two weeks.
- Sample ballots went out on October 2<sup>nd</sup>.
- Lynda will need to bring a large spectrum of choices as to the future of elections, our equipment, all or partial VBM, etc.

**CONSENT AGENDA**

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

**CLERK OF THE BOARD**

5a)

No Consent items.

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## REGULAR AGENDA

### CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

- 5b) Fitch Response Letter from Michael Geary - Letter received from Michael Geary, President of the Mono County Paramedic Rescue Association regarding Fitch and Associates EMS System Report. This is the MCPRA's response and position regarding the report.

*Pulled from agenda for brief discussion.*

**Larry Johnston:**

- Recognized that the report submitted by Fitch was only a draft and it is now being cleaned up.

**Supervisor Hansen:**

- Agrees with medics and what they want to do.

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*The Board acknowledged receipt of the correspondence.*

### PUBLIC WORKS - ROAD DIVISION

- 6a) Proposed Motor Pool Vehicle Replacements (Jeff Walters) - Fourteen Motor Pool vehicles have exceeded their useful life and/or are proposed for replacement/reassignment. These vehicles consist of one ambulance, seven Sheriff vehicles, one Animal Control truck, one Road truck and four Pool cars.

- M12-218** **Action:** Approve the Emergency Vehicle purchase request (Sheriff and Paramedic) so that we can take the most advantageous route for purchasing and put other vehicle purchase requests on hold (Animal Control, Motor Pool and Road) until mid year.

**Hazard moved; Hunt seconded**

**Vote: 3 yes; 2 no: Hansen and Johnston**

- M12-219** **Action:** Move that both the Animal Control vehicle and the Road Department vehicle be replaced at this time as requested.

**Hansen moved; Hazard seconded**

**Vote: 3 yes; 2 no: Johnston and Hunt**

**Jeff Walters:**

- Explained the nature of item and discussed which vehicles need replacement.
- First topic to discuss: ambulance and what would be best situation as far as replacement. Feels it's time to do a total replacement. Oldest has over 140,000 miles on it; should be replaced with a new rig. Went over several options.
- Went over mileage on vehicles, mileage targets, etc?

- The Animal Control truck is an F250, we are downsizing.
- There is somewhat of a time issue. State purchasing list might come back into play.
- We have a normal maintenance schedule for all vehicles.

**Supervisor Johnston:**

- What is mileage target? It appears as if a few of the vehicles needing replacement have reached their mileage, but not all.
- Why are we replacing vehicles that have not reached their target mileage?
- We shouldn't be spending ½ million dollars on new cars if they don't need to be replaced?
- He thinks it's the wrong thing to do from a public perspective point of view; we should postpone most of these six months.
- There is a perception in the county that we drive around in new shiny cars, not a good message we want to send. We can't continue to stick our heads in the sand with gas prices. We need to rethink this carefully and respond to public perception, can't support Supervisor Hazard's motion.

**Supervisor Bauer:**

- This is not \$500,000 out of the general fund; it's from the motor pool fund.
- She has lived through times where ambulances and/or police cars have been in horrible shape; she doesn't want to be there ever again.
- The only thing up for discussion would be the pool Suburus but they are close to mileage and they are very old.
- She's for replacing all that is being suggested.
- Would we be getting better gas mileage with all requested replacements?

**Supervisor Hazard:**

- We have grants and funding available to keep vehicles in good working order; should not be put off.
- Sheriff and Paramedic units must be replaced; they are at the end or near the end of their useful life.
- We like to be in the position to be a part of the State Vehicle Bid Process; can't drag our feet.
- He's supportive of Sheriff's Dept and Paramedics as a whole.
- Animal Control: we replace them on every budget cycle. Do we even have that many Animal Control officers?
- Motor Pool vehicles: we've gone to the lowest common denominator of pool vehicle. When they are pool cars, there is a lower level of care. They just have less life expectancy.
- Supports approving what is requested today.
- Failures aren't always predictable; pool cars don't get maintained as frequently. No one takes personal responsibility.

**Supervisor Hunt:**

- Reliability and safety for emergency vehicles is a priority.
- Appreciates downsizing for rest of fleet.
- Need to take rocketing fuel costs into consideration for future decisions.
- We may need future workshops, etc. to make long term decisions.
- We need to focus on what the "useful life" is for a car? Public perception is an issue.
- He would like to leave recommendation in staff's hands; maybe putting more emphasis on maintenance?
- He thinks we should replace ambulance, wait six months for Sheriff's Vehicles.

**Supervisor Hansen:**

- He's against replacing the two vehicles with under 100,000 miles but supports other requests.

- If there's a time limit on this, do it. If not, wait on some of them.
- He would like to see the mileage raised 10-15%. Need more standardization.

**Marshall Rudolph:**

- Conceptually, this money is for the purpose of replacement.

**Jim Arkens:**

- Animal Control has enough employees for all vehicles.
- Nobody at energy conservation summit is making an all wheel drive electric car; this should occur in the future.

**Jerry Vandebrake:**

- Explained maintenance schedule.

**Tim Alpers:**

- As economy turns so does price of vehicles. We need to extend dollars now to replace Sheriff's vehicles and ambulance. Some of the motor pools could be put off for awhile.

**Fred Stump:**

- Agrees with Tim and the ambulance replacement; suggests consideration given to mothballing the unit in Benton, getting all equipment out of it, etc. but saving it just in case.

## HEALTH DEPARTMENT

- 7a) 2012-13 Public Health Emergency Preparedness Agreements (Lynda Salcido, Public Health Director. Dr. Richard Johnson, Public Health Officer) - In October, 2003, the Board of Supervisors approved the first Public Health Preparedness and Response to Bioterrorism plan for FY 2002/3 (minute order 02-219). This program has been funded ever since by Federal CDC money, with 70% of the total funds being passed to the locals through the California Department of Public Health (CDPH).

- M12-220 Action:** (1) Approve and authorize the Chair's signature on the NON-SUPPLANTATION CERTIFICATION FORM for the AGREEMENT outlined below, and (2) Authorize the Public Health Director to sign the 2012-13 CDC Public Health Emergency Preparedness (PHEP), State General Fund (GF) Pandemic Influenza, HHS Hospital Preparedness Program (HPP) Funding AGREEMENT and CERTIFICATION REGARDING LOBBYING, and any additional contract amendments.

**Hunt moved; Hansen seconded**

**Vote: 5 yes; 0 no**

**Lynda Salcido:**

- Spoke of Dr. Johnson's leadership; mentioned how lucky we are to have him update the board on issues, etc.

**Dr. Rick Johnson:**

- Thanked the board for the opportunity to share annually.
- Spoke about three grants; grateful that funds are continuing.
- They will be doing a tabletop exercise in a couple of days involving many players. They will be able to use it as a statewide and regional exercise as well.
- Tomorrow he will be at a Joint Advisory meeting in Sacramento.
- These three grants cannot go toward purchasing dispatch equipment.
- Upcoming exercise will incorporate communications with public.

**Supervisor Hazard:**

- No general fund impacts to these grants, correct?

- With these funding opportunities, suggests that he works with Sheriff on dispatch capabilities, etc.

**Supervisor Johnston:**

- One of the frequent complaints he hears is that people didn't know what to do; we need a comprehensive system between emergency responders and public.
- Have communications systems failed?

**Supervisor Hansen:**

- Thanked both Dr. Johnson and Lynda Salcido for their work; he's always impressed by what they do.

**Supervisor Hunt:**

- Thanked them for all the work.
- He wants to make sure effort is sustained.

**Supervisor Bauer:**

- It's great to see him out there doing what they do best.

**COUNTY ADMINISTRATIVE OFFICE**

8a) CAO - Director of Human Resources (Jim Arkens) - Presentation by Jim Arkens regarding restructuring CAO's office.

**M12-221** **Action:** Move that the board postpone any restructuring or permanent hiring at this time, but authorize the CAO to temporarily fill the executive assistant position in his office after the incumbent employee's retirement.

**Hazard moved; Johnston seconded**

**Vote: 4 yes; 1 no: Hansen**

**Jim Arkens:**

- Employee leaving at the end of the year; he would like to hire a director of Human Resources.
- Two individuals in his office will remain; he's not certain how duties will be delegated.
- Needs someone to help with the Risk Management functions; Rita has a lot on her plate, we don't know how long before she retires.
- He would be ok to hire a clerical person and keep doing HR if that's what the board decides.

**Supervisor Hunt:**

- Supports this; thanked Jim for taking on the HR duties that he took on.
- He thinks this is a solution without a huge amount of cost.

**Supervisor Hansen:**

- Names on old list on Org chart is the same?
- Do we need a whole new employee?
- He would like Public Works to be helped out a bit.
- He sees Public Works as a separate entity from CAO.
- Pam's position needs to be filled before she leaves.

**Supervisor Johnston:**

- Doesn't think the timing is good for this.
- Needs to be postponed until new board members are sitting on the board.
- Engineering side of organization should be elevated in his opinion.
- Wants a more comprehensive look at the organizational structure proposed.

**Supervisor Hazard:**

- Not a strong feeling one way or another; ok with delaying awhile.
- Doesn't see a lot of changes in new structure.

- He isn't sure we need an HR Director at this time.

**Supervisor Bauer:**

- Everyone is included except Road Dept., but everyone reports to CAO.
- She's heard that it isn't right that we don't have an HR director; she thought it would be well received.
- It seems like a natural way to fill position without spending a ton of money.
- Either fill at same level as his current Executive Assistant or higher; he will need help.

**Tim Alpers:**

- Going to have to be dealt with in January.
- Currently, he supports Jim having the ability to function in his office.

**Fred Stump:**

- Would this prevent an analysis of the total organizational structure later if this is approved now?

\*\*\*\*\*

**LUNCH**

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**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke.*

**PUBLIC WORKS - ENGINEERING DIVISION**

- 9a) Authorization to Bid for the School Street Plaza Project (Garrett Higerd) - This project will construct a pedestrian plaza with landscaping and benches along the east side of School Street from US 395 to Bryant Street adjacent to the historic county courthouse in the community of Bridgeport.

The project plans, which are too large to attach with this item, may be viewed as a separate link by going to: [www.monocounty.ca.gov](http://www.monocounty.ca.gov).

- M12-222** **Action:** Approve bid package, including the project manual and project plans, for the School Street Plaza Project. Authorize the Public Works Department to advertise an Invitation for Bids and to issue the project for bid.

**Hazard moved; Hunt seconded**

**Vote: 5 yes; 0 no**

**Garrett Higerd:**

- Explained item and location of project (basically right outside the window).
- Will make a nice pedestrian plaza on the west side of the courthouse.
- Bidding now because there are time constraints; need contract awarded by November; construction to occur at same time as Bridgeport Streets project, later this winter.
- Consistent diagonal parking could be accommodated if necessary. Modifications are possible.
- Right now they are having consultant look into various other alternatives which would create further expansion.
- In regards to keeping the historical element in tact, everything new will match what's here. There will be features that tie in the existing with the new.



- Will look at accommodating the power needed for 4<sup>th</sup> of July to minimize the need to do anything large in the future.

**Supervisor Johnston:**

- Asked about diagonal parking and how the side street may be different than Main Street. Shouldn't it be consistent throughout?
- We need to move towards an overall Facilities Plan for the county (needs assessment).

**Jim Arkens:**

- Directed the Planning Department to work on a Facilities type of plan; there will be a presentation to the Board.

**Supervisor Hunt:**

- There is a historic element that we don't want to ruin when developing Bridgeport.
- He'd like to see covered parking in some portions of town someday.

**Supervisor Hazard:**

- What will happen during the 4<sup>th</sup> of July for all the power that's required?
- Not so much power but conduit to accommodate future needs.

**Bob Peters:**

- Back in angled parking on School Street – basically the same concerns that Supervisor Johnston brought up.
- Explained potential modifications to consider now instead of later.

- 9b) Tract Map 37-59A&B, Rock Creek Canyon Final Map (Garrett Higerd) - Tentative Tract Map No. 37-59A&B was conditionally approved by the Mono County Board of Supervisors at a public hearing held on December 21, 2010. The Final Map will divide APN 026-330-003, totaling 29 acres, into fourteen lots: twelve market-rate single family residential lots, and two parcels devoted to complementary uses including a trailhead parking lot and a 5.59 acre open space parcel.

- M12-223 Action:** 1. Approve the Final Map for Tract No. 37-59A&B, Rock Creek Canyon – Phases 1 & 2, finding that all conditions of approval have been met, and authorize the Board Clerk's signature on said map certifying approval of such; 2. Reject on behalf of the public the offer of dedication for Lot A, as shown on said map. 3. Reject on behalf of the public the offer of dedication for the Public Access Trail Easement, as shown on said map. 4. Reject on behalf of the public the offer of dedication for the Conservation Easement for rock wall and historic ditch, as shown on said map. 5. Direct the Public Works Director to file for recordation a notarized copy of a Notice of Development Conditions on Property for the project in the office of the County Recorder.

**Bauer moved; Hunt seconded**

**Vote: 3 yes; 1 no: Hazard; 1 abstain: Johnston**

**Supervisor Johnston:**

- Potential conflict of interest; excused himself.

**Garrett Higerd:**

- Here today to state that the map and all of the work has been done to comply with what the Board previously approved.
- Stacey Simon and Gerry LeFrancois are in Mammoth to answer questions if necessary. Walt Lehman has also been extremely instrumental in moving this

project along.

**Supervisor Hazard:**

- “Substantially complies”, what does that mean?
- Concerns him that the sign might be in jeopardy.
- He has a different recollection on all of this. We asked to have a plan drawn out and brought back to us. He feels like the same issue that were previously pending are still pending.

**Stacey Simon:**

- “Substantially complies” is a legal term.
- You can still resolve things today.

**Gerry LeFrancois:**

- In speaking to the “substantially complies” wording, it’s referring to Condition 66 in regards to rooftop sign.
- In regards to Hansen’s question about guard rail: staff was directed to work on Lower Rock Creek Road pedestrian traffic generally.

**Supervisor Hansen:**

- Asked about housing mitigation.
- Asked about the uphill side of street in front of old restaurant where there was split rail; there was talk of guard rail. What condition is that in now?
- At that last meeting, he felt there was a liability there. We still have that liability, maybe staff didn’t get enough direction?
- Better timelines and plans need to be set as we move forward.

**Jeff Walters:**

- Explained the various projects coming before the Board after the first of the year.

**Supervisor Bauer:**

- This has been going on for two years; there are over 70 conditions to meet.
- This is still an improvement; we need to move forward. We haven’t had a lot of public contact on this lately.

## INFORMATION TECHNOLOGY

### **Additional Departments:** County Counsel

- 10a) Digital 395 - LMPP: Revenue Generation and Incentive Concepts (Nate Greenberg) - Review concepts and basis for generating revenue from Internet Service Providers, and/or incentivizing the development of certain projects through Franchise Fees and agreements.

**Action:** None.

**Nate Greenberg (powerpoint, copy kept in file folder for today’s meeting):**

Last Mile Provider Plan - Revenue Generation & Incentive Concepts -

**FRANCHISE AGREEMENTS:**

- Generate revenue for County via Franchise Fees in exchange for use of rights of way, etc.
- Includes Power and Cable TV/Internet providers.

**FRANCHISE REVENUE:**

- Power companies.
- DIVCA.
- Actual money raised.

**RAISING REVENUE vs. INCENTIVIZING:**

- Purpose of Raising Revenue.
- Purpose of Incentivizing.

**INCENTIVE APPROACH:**

- Establish a blended % rate for Franchise Fee calculation based on the following:

- Community Tiering, Distribution Method, Technology Choice.

**REVENUE GENERATION APPROACH:**

- Increase and standardize DIVCA Franchise Fees to 5% for all providers in all communities.
- Level the playing field for all providers, including those DIVCA exempt.
- Enter into lease agreements with providers requesting use of County rights of way.
- Look at additional ratepayer fees to help generate revenue faster.

**REVENUE GENERATION CONSIDERATIONS:**

- Where does revenue go once raised?
- What exactly are we going to do with the money and how much it will take to accomplish those objectives?
- How long will it take to generate the required amount?
- Providers/taxpayers feel overtaxed, but want financial assistance for projects, better service, etc.

**POTENTIAL USES:**

- Undergrounding efforts.
- Community broadband/public access initiatives.
- Senior/school programs.

**UNDERGROUND – DIGGING DEEPER:**

- What?
- Where?
- By when?

**UNDERGROUNDING COST REALITIES:**

- Conduit only.
- Telecom distribution lines.
- Power lines.
- Materials only vs. Design + build.

**ADDITIONAL DISCUSSION:**

- Would have to go to ballot measure to increase taxes, etc.
- Committee of some kind, project prioritization of some kind,
- Broadband Forum scheduled November 1<sup>st</sup> in June Lake.

**Supervisor Hazard:**

- After presentation, these are very in depth policy discussions, etc.
- We need a technical group to work through these complicated issues; we just don't have the background. We need additional representatives at the table.
- He likes flexibility of having incentivization AND a fee structure. We need specific goals with a lot of flexibility.
- Pushing high speed internet to smaller communities is crucial.
- He's trying to get a hold of a powerpoint presentation.
- We still have opportunities to be part of policy discussions. What's purpose of digital 395 for our county?
- Fiber in ground by first of year? We need to have policies in place for the last mile providers.
- Signage.

**Supervisor Hunt:**

- All of this is very geographically specific and very complex.
- There are general things the Board can dictate (i.e. undergrounding), but there are a lot of technicalities that we may not be able to address.

**Supervisor Hansen:**

- Undergrounding? How can we project cost to customers?
- Issue of communities?
- Goals are noble – SCE probably gets offended to be grouped into the small

ditches that digital 395 is digging.

**Supervisor Johnston:**

- We haven't stepped into what *should* be undergrounded?
- Need to address funding and fees.
- Is government doing digital work now?
- Asked Nate about earmarking future funding.

**Supervisor Bauer:**

- We don't want to get in the business of just raising fees.
- She likes the incentivizing model the best to get things accomplished today.
- She likes the community tiering.
- All internet providers should be on the same playing field.
- Undergrounding: she appreciates it but she doesn't think it's appropriate everywhere.

**Ron Day:**

- Important that we get the fiber into businesses.
- Need to get as many people as possible served; the demographics are going to really change.

**Fred Stump:**

- A commitment needs to be made to 'out' communities that service will be provided there.

ADJOURNMENT 3:18 p.m.

ATTEST:

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VIKKI BAUER  
CHAIR

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SHANNON KENDALL  
SR. DEPUTY CLERK OF THE BOARD

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